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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/045,897 | 01/10/2002 | Yoshifumi Tanimoto | | 1454 |
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| HOGAN & HARTSON L.L.P. 500 S. GRAND AVENUE SUITE 1900 LOS ANGELES, CA 90071-2611 | | | EXAMINER BAKER, CHARLOTTE M | |
| | | | ART UNIT 2625 | PAPER NUMBER |

DATE MAILED: 07/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|--------------------------------|---------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/045,897 | TANIMOTO, YOSHIFUMI |
| | Examiner Charlotte M. Baker | Art Unit 2625 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
 - 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) ____ is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on ____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: ____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-8 and 12-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka (6,564,256) in view of Palevich et al. (6,889,256).

Regarding claim 1: Tanaka discloses communicating means (Fig. 1, relay server P1) for communicating with a plurality of network devices (Fig. 1, terminal T1-Tn); in response to login demands (request for medical image data input at a terminal, col. 5, ln. 56 through col. 6, ln. 4) from the plurality of network devices (Fig. 1, terminal T1-Tn); and for communicating (data traffic between the relay servers P1 and P2, col. 6, ln. 33 and transfer between relay servers P1 and P2, col. 5, ln. 43-46) with a different relay server (Fig. 1, relay server P2); and connection information holding means (Fig. 1, cache C1) for holding connection information (col. 5, ln. 52-55) of the plurality of network devices (Fig. 1, terminal T1-Tn) capable of communicating by the communication means (Fig. 1, relay server P1); wherein the communicating means (Fig. 1, relay server P1) refers to the connection information (col. 5, ln. 52-55) based on a connection demand

(col. 5, ln. 47-55) from one of the plurality of network devices (Fig. 1, terminal T1-Tn), and relays communication via the different relay server (Fig. 1, relay server P2) (distribute requests to other relay servers, col. 6, ln. 52-56) to another one of the plurality of network devices (Fig. 1, terminal T1-Tn) via the different relay server (Fig. 1, relay server P2) (col. 6, ln. 38-48).

Tanaka fails to specifically address held TCP/IP connections.

Palevich et al. disclose using TCP/IP connections that are established and held (col. 10, 23-30); having a held TCP/IP connection (col. 10, 23-30).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to include the teaching of Palevich et al. in order to save the time that it takes to create and destroy TCP/IP connections as taught by Palevich et al. (col. 10, ln. 26-30).

Regarding claim 2: Tanaka in view of Palevich et al. satisfy all the elements of claim 1.

Tanaka further discloses wherein the communicating means (Fig. 1, relay server P1) receives the connection information (col. 5, ln. 52-55) the different relay server (Fig. 1, relay server P2) holds and stores connection information (col. 5, ln. 52-55) in the connection information holding means (Fig. 1, cache C2).

Regarding claim 3: Tanaka discloses a plurality of network devices (Fig. 1, terminal T1-Tn); and a plurality of relay servers (Fig. 1, relay server P1 and P2) connected to the plurality of network devices (Fig. 1, terminal T1-Tn) by a network, wherein one of the plurality of network devices (Fig. 1, terminal T1-Tn) logs into (request for medical image data input at a terminal, col. 5, ln. 56 through col. 6, ln. 4); with one of the plurality of relay servers (Fig. 1, relay server P1 and P2) and carries out communication by performing a connection demand (col. 5, ln. 47-55) with another one of the plurality of network devices (Fig. 1, terminal T1-Tn) that has logged into

(request for medical image data input at a terminal, col. 5, ln. 56 through col. 6, ln. 4); with another of the plurality of relay servers (Fig. 1, relay server P1 and P2), and the one relay server (Fig. 1, relay server P1) relays the communication with the other network device (Fig. 1, terminal T1-Tn) via at least one other relay server (Fig. 1, relay server P2) of the plurality of relay servers (Fig. 1, relay server P1 and P2) based on the connection demand (col. 5, ln. 47-55) from the one network device (Fig. 1, terminal T1-Tn) (col. 6, ln. 19-37).

Tanaka fails to specifically address a held TCP/IP connection.

Palevich et al. disclose a held TCP/IP connection (col. 10, 23-30).

Regarding claim 4: Tanaka in view of Palevich et al. satisfy all the elements of claim 1. Tanaka further discloses wherein each of the plurality of relay servers (Fig. 1, relay server P1 and P2) obtains connection information of each of the plurality of network devices (Fig. 1, terminal T1-Tn), each of the plurality of network devices (Fig. 1, terminal T1-Tn) is connected to and capable of communicating with each of the plurality of relay servers (Fig. 1, relay server P1 and P2) (col. 5, ln. 57-60), and each of the plurality of relay servers (Fig. 1, relay server P1 and P2) decides which relay server is relayed (col. 6, ln. 49-56).

Regarding claim 5: Tanaka discloses communicating means (Fig. 1, relay server P1) for communicating with a plurality of network devices (Fig. 1, terminal T1-Tn); in response to login demands (request for medical image data input at a terminal, col. 5, ln. 56 through col. 6, ln. 4) from the plurality of network devices (Fig. 1, terminal T1-Tn), and for communicating (data traffic between the relay servers P1 and P2, col. 6, ln. 33 and transfer between relay servers P1 and P2, col. 5, ln. 43-46) with a different relay server (Fig. 1, relay server P2); and connection information holding means (Fig. 1, cache C1) for holding connection information (col. 5, ln. 52-

55) of the network devices (Fig. 1, terminal T1-Tn) which are capable of communicating, wherein the communicating means (Fig. 1, relay server P1) renews the connection information based on a demand from one of the plurality of network devices (Fig. 1, terminal T1-Tn), and notifies the renewed connection information to the different relay server (Fig. 1, relay server P2) based on renewal of the connection information (col. 5, ln. 52-55) (col. 6, ln. 49-56).

Tanaka fails to specifically address a held TCP/IP connection.

Palevich et al. disclose a held TCP/IP connection (col. 10, 23-30).

Regarding claim 6: Tanaka discloses communicating means (Fig. 1, relay server P1) for communicating with a plurality of network devices (Fig. 1, terminal T1-Tn); in response to login demands (request for medical image data input at a terminal, col. 5, ln. 56 through col. 6, ln. 4) from the plurality of network devices (Fig. 1, terminal T1-Tn), and for communicating (data traffic between the relay servers P1 and P2, col. 6, ln. 33 and transfer between relay servers P1 and P2, col. 5, ln. 43-46) with a different relay server (Fig. 1, relay server P2); and connection information holding means (Fig. 1, cache C1) for holding connection information (col. 5, ln. 52-55) of the plurality of network devices (Fig. 1, terminal T1-Tn) which are capable of communicating, wherein the communicating means (Fig. 1, relay server P1) renews the connection information (col. 5, ln. 52-55) within the connection information holding means (Fig. 1, cache C1) based on renewal notification of connection information from the different relay server (Fig. 1, relay server P2) (col. 5, ln. 52-55) (col. 6, ln. 49-56).

Tanaka fails to specifically address a held TCP/IP connection.

Palevich et al. disclose a held TCP/IP connection (col. 10, 23-30).

Regarding claim 7: Tanaka discloses a plurality of network devices (Fig. 1, terminal T1-Tn); and a plurality of relay servers (Fig. 1, relay server P1 and P2) connected to the plurality of network devices (Fig. 1, terminal T1-Tn) by a network, wherein one of the plurality of network devices (Fig. 1, terminal T1-Tn) logs into (request for medical image data input at a terminal, col. 5, ln. 56 through col. 6, ln. 4); with one of the plurality of relay servers (Fig. 1, relay server P1 and P2) and carries out communication by performing a connection demand (col. 5, ln. 47-55) with another one of the plurality of network devices (Fig. 1, terminal T1-Tn) that has logged into (request for medical image data input at a terminal, col. 5, ln. 56 through col. 6, ln. 4); with another one of the plurality of relay servers (Fig. 1, relay server P1 and P2), and the one relay server (Fig. 1, relay server P1) holds connection information (col. 5, ln. 52-55) of the plurality of network devices (Fig. 1, terminal T1-Tn) which are capable of communicating, renews the connection information (col. 5, ln. 52-55) based on the connection demand (col. 5, ln. 47-55), notifies the renewed connection information to different relay servers (Fig. 1, relay server P1 and P2), and renews the connection information based on renewal notification of connection information transmitted from the different relay servers (Fig. 1, relay server P1 and P2) (col. 5, ln. 52-55) (col. 6, ln. 49-56).

Tanaka fails to specifically address a held TCP/IP connection.

Palevich et al. disclose a held TCP/IP connection (col. 10, 23-30).

Regarding claim 8: Tanaka discloses a plurality of network devices (Fig. 1, terminal T1-Tn); and a plurality of relay servers (Fig. 1, relay server P1 and P2) connected to the plurality of network devices (Fig. 1, terminal T1-Tn) by a network, a data base server (Fig. 1, data base 2) for holding connection information of the plurality of network devices (Fig. 1, terminal T1-Tn)

and providing the connection information to the plurality of relay servers (Fig. 1, relay server P1 and P2), wherein one of the plurality of network devices (Fig. 1, terminal T1-Tn) logs onto (request for medical image data input at a terminal, col. 5, ln. 56 through col. 6, ln. 4); with one of the plurality of relay servers (Fig. 1, relay server P1 and P2), and carries out communication by performing a connection demand (col. 5, ln. 47-55) with another one of the plurality of network devices (Fig. 1, terminal T1-Tn) that has logged into (request for medical image data input at a terminal, col. 5, ln. 56 through col. 6, ln. 4); with another of the plurality of relay servers (Fig. 1, relay server P1 and P2); and wherein the one relay server (Fig. 1, relay server P1) renews the connection information based on the connection demand (col. 5, ln. 47-55) from the one network device (Fig. 1, terminal T1-Tn), the one relay server (Fig. 1, relay server P1) causes the data base server (Fig. 1, data base 2) to hold the renewed connection information (col. 5, ln. 52-55) (col. 6, ln. 49-56).

Tanaka fails to specifically address a held TCP/IP connection.

Palevich et al. disclose a held TCP/IP connection (col. 10, 23-30).

Regarding claim 12: The structural elements of apparatus claim 3 perform all of the steps of method claim 12. Thus, claim 12 is rejected for the same reasons discussed in the rejection of claim 3.

Regarding claim 13: Tanaka in view of Palevich et al. satisfy all the elements of claim 12. The structural elements of apparatus claim 4 perform all of the steps of method claim 13. Thus, claim 13 is rejected for the same reasons discussed in the rejection of claim 4.

Regarding claim 14: Tanaka in view of Palevich et al. satisfy all the elements of claim 12. The structural elements of apparatus claim 5 perform all of the steps of method claim 14. Thus, claim 14 is rejected for the same reasons discussed in the rejection of claim 5.

Regarding claim 15: Tanaka in view of Palevich et al. satisfy all the elements of claim 15. The structural elements of apparatus claim 7 perform all of the steps of method claim 15. Thus, claim 15 is rejected for the same reasons discussed in the rejection of claim 7.

Regarding claim 16: Tanaka in view of Palevich et al. satisfy all the elements of claim 15. Tanaka further discloses obtaining the connection information (col. 5, ln. 52-55) of the plurality of network devices (Fig. 1, terminal T1-Tn) established with the communication path to the another relay server (Fig. 1, relay server P2), and deciding which of the plurality of relay servers (Fig. 1, relay server P1 and P2) to relay.

Regarding claim 17: Tanaka in view of Palevich et al. satisfy all the elements of claim 15. The structural elements of apparatus claim 6 perform all of the steps of method claim 17. Thus, claim 17 is rejected for the same reasons discussed in the rejection of claim 6.

Regarding claim 18: Arguments analogous to those stated in the rejection of claim 1 are applicable.

Regarding claim 19: Arguments analogous to those stated in the rejection of claim 2 are applicable.

Regarding claim 20: Arguments analogous to those stated in the rejection of claim 4 are applicable.

4. Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joffe et al. (6,801,341) in view of Brossman et al. (6,538,773).

Regarding claim 9: Joffe et al. disclose a facsimile machine (Fig. 2, Fax 32) connected to an inner network (Fig. 2, PSTN 36); a gateway device (Fig. 2, AS 40) for connecting the inner network (Fig. 2, PSTN 36) to an outer network (Fig. 2, IP network 46); and a plurality of relay servers (Fig. 2, fax relay server 50 and mail server 74) connected to the outer network (Fig. 2, IP network 46), wherein the facsimile machine (Fig. 2, Fax 32) logs in (origination of fax message, col. 5, ln. 6-10); to one of the plurality of relay servers (Fig. 2, fax relay server 50 and mail server 74) in advance via the gateway device (Fig. 2, AS 40), and then transmits or receives an image (col. 4, ln. 24-28), and the one relay server (Fig. 2, fax relay server 50) relays communication of the image between the gateway device (Fig. 2, AS 40) and another facsimile machine (Fig. 2, Fax 70) in another inner network (Fig. 2, PSTN 66) that has logged into (reception of originating message from fax 32); with another relay server (Fig. 2, fax relay server 50); by carrying out the communication with one or a plurality of the gateway devices (Fig. 2, AS 40, 56, 62) and one or a plurality of different relay servers (Fig. 2, fax relay server 50 and mail server 74) (col. 5, ln. 6-10).

Joffe et al. fail to specifically address a held TCP/IP connection.

Brossman et al. disclose established a held TCP/IP connection (col. 7, ln. 10-28).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to include the teaching of Brossman et al. in order to facilitate bi-directional communication links when components are physically separated as suggested by Brossman et al. (col. 7, ln. 25-28).

Regarding claim 10: Joffe et al. in view of Brossman et al. satisfy all the elements of claim 9. Joffe et al. further disclose wherein the one relay server (Fig. 2, fax relay server 50) manages the

facsimile machine (Fig. 2, Fax 32) to be connected thereto in accordance with identifying information specific to the facsimile machine (Fig. 2, Fax 32) (col. 5, ln. 48-61).

Regarding claim 11: Joffe et al. satisfy all the elements of claim 9. Joffe et al. further disclose wherein a plurality of facsimile machines (Fig. 2, fax 32 and fax 70) within the inner network (Fig. 2, PSTN 36) and another inner network (Fig. 2, PSTN 66) can be connected to the one relay server (Fig. 2, fax relay server 50) via the gateway device (Fig. 2, AS 40) and the another gateway device (Fig. 2, AS 62), and the one relay server (Fig. 2, fax relay server 50) manages each of the plurality of facsimile machines (Fig. 2, fax 32 and fax 70) to be connected thereto in accordance with identifying information specific to each of the plurality of facsimile machines (Fig. 2, fax 32 and fax 70) (col. 5, ln. 11-18).

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charlotte M. Baker whose telephone number is 571-272-7459. The examiner can normally be reached on Monday-Friday 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A. Williams can be reached on 571-272-7471. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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